

Marquis Aurbach

Craig R. Anderson, Esq.

Nevada Bar No. 6882

10001 Park Run Drive

Las Vegas, Nevada 89145

Telephone: (702) 382-0711

Facsimile: (702) 382-5816

canderson@maclaw.com

Attorneys for Defendants LVMPD, Kerry Kubla, Brice Clements, Alex Gonzales, Russell Backman, James Rothenburg, James Bertuccini and Melanie O'Daniel

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

LATIA ALEXANDER, individually as heir
of ISIAAH T. WILLIAMS, and in her
capacity as Special Administrator of the
Estate of ISIAAH T. WILLIAMS,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a political subdivision of
the State of Nevada; KERRY KUBLA, in his
individual capacity; BRICE CLEMENTS, in
his individual capacity; ALEX GONZALES,
in his individual capacity; RUSSELL
BACKMAN, in his individual capacity;
JAMES ROTHENBURG, in his individual
capacity; JAMES BERTUCCINI, in his
individual capacity; MELANIE O'DANIEL,
in her individual capacity and DOES I-XX,
inclusive,

Defendants.

Case Number:

2:24-cv-00074-APG-NJK

**STIPULATION AND ORDER TO
CONTINUE DISCOVERY DEADLINES
(FIRST REQUEST)**

Defendants Las Vegas Metropolitan Police Department ("LVMPD"), Kerry Kubla, Brice Clements, Alex Gonzales, Russell Backman, James Rothenburg, James Bertuccini and Melanie O'Daniel ("LVMPD Defendants"), by and through their counsel, Marquis Aurbach, and Plaintiff Latia Alexander, individually as heir of Isaiah T. Williams, and in her capacity as Special Administrator of the Estate of Isaiah T. Williams ("Plaintiff"), by and through her counsel of record, Breeden & Associates, PLLC, hereby file their Stipulation and Order to

MARQUIS AURBACH

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

1 Extend Discovery Deadlines (First Request) by ninety (90) days pursuant to LR II 26-4. The
2 present discovery cutoff date is February 5, 2025.

3 **I. DISCOVERY COMPLETED**

4 1. On March 12, 2024 this Court entered the original Discovery Plan and
5 Scheduling Order. (ECF No. 19)

6 2. Plaintiff served her initial FRCP 26(a)(1) disclosure.

7 3. Defendants served their initial FRCP 26(a)(1) disclosure.

8 4. The parties have both served and responded to several rounds of written
9 discovery. To explain to the Court, due to several defendants in this case, several hundred
10 requests have been made and responded to by the Parties, written discovery is voluminous.

11 5. Defendants have supplemented their disclosure statement seven (7) times,
12 produced 17,000 pages of documents and over 8 hours of body worn camera video.

13 6. Plaintiff has produced an additional six (6) supplemental disclosures,
14 approximately 2,000 pages of documents and 39 witnesses.

15 7. In August 2024, Plaintiff amended her complaint to include a new defendant—
16 Melanie O'Daniel.

17 8. Defendant O'Daniel answered in late August 2024.

18 9. The Defendants have taken the deposition of Plaintiff Latia Alexander.

19 10. Plaintiff has deposed defendants Gonzales, Bertuccini, Rothenberg, Backman,
20 Clements and Kubla.

21 11. The parties recently timely disclosed expert witnesses. Plaintiff disclosed three
22 retained experts and Defendants disclosed one retained expert.

23 **II. DISCOVERY TO BE COMPLETED**

24 1. Plaintiff has set Melanie O'Daniel's deposition for December 17, 2024.

25 2. Plaintiff is in the process of setting witness Det. Roth's deposition for January
26 8, 2025.

27 3. Plaintiff is in the process of serving Defendant LVMPD a Notice of Rule
28 30(b)(6) deposition and the parties are in discussions regarding relevant topics.

1 4. The parties' experts are preparing to serve rebuttal expert reports.

2 5. The Defendants need to take the Plaintiff's three expert witnesses' depositions.

3 6. The Plaintiff needs to take the deposition of Defendants' expert.

4 **III. REASONS WHY THE DISCOVERY REMAINING WAS NOT COMPLETED**
5 **WITHIN THE TIME LIMITS SET BY THE COURT**

6 The parties agree, pursuant to Local Rule 6-1, that good cause exists for the requested
7 extension. The primary reason for this request is for the Parties to complete expert discovery.
8 The parties have contacted their experts regarding rebuttal reports and deposition dates. Some
9 of the experts have asked for extensions to submit rebuttal reports. Further, due to counsel's
10 schedules, the experts' schedules, and the holidays, scheduling depositions within the
11 remaining discovery period has proven difficult. For example, Defendants' counsel is starting
12 a two-week trial on December 2, 2024 in *Lobato v. Las Vegas Metro Police Dep't.*, 2:19-cv-
13 01273-RFB-EJY. Defendants' police practices expert is unavailable to complete a rebuttal
14 report or give deposition testimony until mid-January 2025. Plaintiff's counsel is expected to
15 be in trial in early January in a state court matter and completing numerous other depositions
16 in another contentious medical malpractice matter over the same time period, complicating
17 scheduling.

18 It is anticipated the expert discovery will lead to additional discovery. Lastly,
19 defendant Melanie O'Daniel has only been a party for two months. The parties need to conduct
20 written discovery and investigate the claims and defenses involving her. Therefore, the Parties
21 agree a 90-day extension will allow the Parties to complete the remaining depositions, obtain
22 the transcripts, and file dispositive motions.

23 Plaintiff wishes to further explain this is a complex civil rights wrongful death action
24 against several law enforcement defendants concerning a fatal police shooting during a search
25 warrant. Plaintiff is expected to seek an eight-figure award. Written discovery has been
26 voluminous and the depositions to be taken are many, justifying an extension.
27
28

IV. **PROPOSED SCHEDULE FOR COMPLETING DISCOVERY:**

	EXISTING DEADLINES	PROPOSED DEADLINES
Close of Discovery	February 5, 2025	May 5, 2025
Final Date to Amend Pleadings/Add Parties	Passed	
Initial Expert Disclosures Deadlines	Passed	
Rebuttal Expert Disclosure Deadline	December 5, 2024	March 5, 2025
Final Date for Dispositive Motions	March 5, 2025	June 5, 2025
Pretrial Order	April 7, 2025	July 7, 2025

IT IS SO STIPULATED this 19th day of November, 2024.

MARQUIS AURBACH

BREEDEN & ASSOCIATES, PLLC

By: s/Craig R. Anderson
 Craig R. Anderson, Esq.
 Nevada Bar No. 6882
 10001 Park Run Drive
 Las Vegas, Nevada 89145
 Attorney for Defendants

By: /s/ Adam Breeden
 Adam Breeden, Esq.
 Nevada Bar No. 8768
 7432 W. Sahara Ave, Ste 101
 Las Vegas, Nevada 89117
 Attorney for Plaintiff

ORDER

IT IS SO ORDERED.

Dated this ___ day of November, 2024.

UNITED STATES MAGISTRATE JUDGE